

## REMARKS

### **Status of the Claims**

The Office Action of April 3, 2007 has been received and considered. Claims 8-38 are pending in the application and stand rejected. In view of the following remarks, applicants request re-examination and allowance of the claims. Each of the Examiner's rejections is addressed below.

### **Claims 8-11 and 36-38**

Claims 8-11 and 36-38 stand rejected under 35 U.S.C. § 103 over US Patent No. 6,032,662 to Taplan ("Taplan") in view of U.S. Patent No. 4,869,231 to Rice ("Rice"). This rejection is respectfully traversed.

Applicant respectfully submits that the proposed combination of Taplan and Rice is improper. The Office Action recites that it would have been obvious to incorporate the hinge arrangement of Rice with the invention of Taplan, so as to permit access for cleanup.

Applicant respectfully submits that Taplan expressly teaches away from the proposed combination. Taplan repeatedly stresses that it is advantageous to be able to clean and repair the cooktop from above. Specifically, at col. 3, lines 3-6, Taplan recites that "[i]t is especially important that ... the apparatus can be serviced without disassembly of the cooktop from the countertop." Again, at col. 5, lines 3-7, and 39-47, Taplan indicates that components can advantageously be inserted from above, simplifying assembly and service calls.

Most critically, Taplan recites that its construction “**prevents the occurrence of bending stresses** in the panel 1 and thereby reduces the risk of fracture of the panel made of glass, ceramic or glass ceramic.” (Col. 5, lines 59-62; emphasis added). Accordingly, one skilled in the art would be taught away from the hinged cooktop of Rice with the fixed top of Taplan. Consequently, the rejection is improper and should be withdrawn.

### **Claims 12-35**

Claims 12-35 stand rejected under 35 U.S.C. § 103 over Taplan. This rejection is respectfully traversed.

Claims 12-24 depend from claim 8. As acknowledged in the Office Action, Taplan does not disclose a cooktop that is movable while connected to the burner box. Each of claims 25-35 includes this same limitation. Accordingly, Taplan standing alone fails to disclose each and every limitation of claims 12-25.

### **Conclusion**

In view of the forgoing, applicant requests that all claims pending in the application be allowed.

Respectfully submitted,

Date: July 3, 2007

/Gregory J. Cohan/  
Gregory J. Cohan  
Reg. No. 40,959  
Customer No. 28316  
Banner & Witcoff, Ltd.  
28 State Street, 28<sup>th</sup> Floor  
Boston, MA 02109  
(617)-720-9600